

Honorable Robert S. Lasnik

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

THE SIGN POST, INC., a Washington
corporation,

Plaintiff,

vs.

BOB'S BURGER AND BREW OF
WASHINGTON, LLC, a Washington limited
liability company,

Defendant.

NO. CV09-1420 RSL

JOINT STATUS REPORT

The parties submit this Joint Status Report and Discovery Plan pursuant to Western District Local Rule 16(a), Federal Rule of Civil Procedure 26(f) and the Court's Order of November 20, 2009.

A. 1. NATURE AND COMPLEXITY OF THE CASE

This is a copyright dispute. Plaintiff The Sign Post, Inc. ("Sign Post") is a Washington Corporation in the business of manufacturing signs for businesses such as restaurants and banks in Washington State. Defendant Bob's Burger and Brew of Washington, LLC ("Bob's") manages the licensing rights for Bob's Burger & Brew restaurants in the State of Washington.

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425470/122209 0940/63920043

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1 The parties have had past interactions over a number of years involving the creation of signs for
2 Bob's Burger & Brew Restaurants.

3 Sign Post's Complaint asserts that that Sign Post has a copyright interest in certain
4 works relating to signage for Bob's Burger & Brew restaurants. Sign Post claims that Bob's
5 infringed these copyrights by using companies other than Sign Post to manufacture signs for
6 Bob's Burger & Brew restaurants without Sign Post's consent. Sign Post seeks injunctive and
7 damages remedies for the alleged infringement.

8 Bob's denies that Sign Post has a copyright interest in any Bob's related works. In the
9 alternative, Bob's denies that it infringed any such interest on the basis of Bob's joint
10 authorship or implied license. Bob's has counterclaimed for declaratory relief that it owns all
11 Bob's related works and that Sign Post has no copyright interest enforceable against Bob's.

12 The case raises somewhat unusual copyright legal issues that may require resolution by
13 the court. The extent of factual disagreement among the parties is unclear at this time.
14 Discovery and discussions between the parties should reveal whether the disagreements relate
15 solely to the legal effect of undisputed facts, or if the case also involves material disputes of
16 fact.

17 B. 2. RESULTS OF FED. R. CIV. P. 26(f) CONFERENCE

18 There are no outstanding motions at this time. The parties have not yet commenced
19 discovery at this time, but are exchanging initial disclosures. Defendants have filed an Answer,
20 Affirmative Defenses, and Counterclaim.

21 C. 3. PROPOSED DEADLINE FOR JOINING ADDITIONAL PARTIES

22 Additional parties should be joined no later than January 31, 2010.

23 D. 4. ALTERNATIVE DISPUTE RESOLUTION

24 The parties agree that mediation should be used in this matter pursuant to Local Rule
25 CR 39.1. A Rule 39.1 mediation should be scheduled no later than July 31, 2010.

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1 E. 5. PROPOSED DISCOVERY PLAN

2 A. The parties held an Fed. R. Civ. P. 26(f) conference on December 18, 2009. The
3 parties anticipate exchanging initial disclosures as scheduled on December 25, 2009. The
4 parties also discussed the need for additional discovery at issue in the case and outlined the
5 following plan.

6 B. Discovery may be needed upon the following subjects:

- 7 • Liability of Defendants;
8 • Affirmative defenses raised by the Defendants;
9 • Damages of Plaintiff; and
10 • Counterclaim.

11 Discovery should not be conducted in phases.

12 Discovery should not be limited to particular issues.

13 C. At this point, the parties have not identified any necessary changes or limitations
14 on discovery imposed under the Federal and Local Civil Rules.

15 D. The parties will manage discovery so as to minimize expense by working
16 cooperatively to limit depositions, exchange documents informally and focus discovery on
17 disputed issues.

18 E. Defendants believe a protective order may be appropriate pursuant to Rule 26(c)
19 to address confidentiality of the parties financial information.

20 F. 6. DATE BY WHICH DISCOVERY CAN BE COMPLETED

21 August 31, 2010.

22 G. 7. USE OF MAGISTRATE JUDGE

23 The parties do not consent to trial by Magistrate Judge.

24 H. 8. BIFURCATION OF TRIAL

25 The parties do not agree to bifurcate trial at this point.

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I. 9. PRETRIAL STATEMENTS AND ORDER

The parties would prefer to dispense with the pretrial statements and pretrial order called for by Local Rules 16 and 16.1, and instead develop a joint witness and exhibit list.

J. 10. SUGGESTIONS TO SHORTEN OR SIMPLIFY CASE

The parties will stipulate to undisputed facts and evidence in an effort to avoid use of unnecessary Court time and streamline presentation of this matter.

K. 11. TRIAL DATE

The case should be ready for trial by December 1, 2010.

L. 12. TYPE OF TRIAL

The Plaintiff has demanded a jury trial.

M. 13. ESTIMATED NUMBER OF TRIAL DAYS

The parties expect to need five trial days.

N. 14. UNAVAILABILITY OF TRIAL COUNSEL

Counsel for are generally available during the November 2010 - February 2011 time frame, other than December 20 , 2010 though January 5, 2011 and February 21, 2011 through February 21 – 25, 2011.

DATED this 21st day of December, 2009.

FOCAL PLLC

By _____ s/ Venkat Balasubramani (per e-mail authority)

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on December 21, 2009, the foregoing was electronically filed with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all attorneys of record.

DATED December 21, 2009.

By: /s James D. Nelson
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